

CITY OPERATING PROCEDURE 240

ENVIRONMENTAL COMPLIANCE

June 15, 1996

Policy/Procedure Reference

Primary reference for this policy shall be the city environmental compliance manual. This manual shall remain up to date at all times and will provide interpretative address to all applicable regulatory agency laws, statutes, and ordinances. Responsibility for maintaining this document shall be that of the city Environmental Compliance Manager with assistance from the Environmental Compliance Committee.

Functional area responsibilities will be outlined in a subsequent section of this policy.

Policy/Procedure Purpose or Objective

The purpose of this policy is to formalize the city's environmental compliance effort. This includes the process of identifying and responding to environmental issues, applying existing environmental laws and regulations in responding to issues identified, and performing objective audits and assessments as proactive measures to assure the city remains in strict compliance with regulatory law's, statutes and ordinances.

Policy/Procedure Statement

Scope - This policy applies to all full-time, part-time, and seasonal employees of the city; all buildings, equipment, and fixtures owned, leased or managed by the city of Overland Park, Kansas; and the environmental laws that affect these properties in general.

Regulatory Agencies - Regulatory agencies include the following:

- ▶ United States Environmental Protection Agency
- ▶ Kansas Department of Health & Environment
- ▶ Johnson County Environmental Office
- ▶ United States Department of Labor - OSHA
- ▶ Any and all subsidiaries of agencies listed above that have environmental protection responsibilities.

Environmental Law - Environmental Law encompasses all the protection for our environment that emanates from the following sources:

1. Laws: federal and state statutes and local ordinances
2. Regulations promulgated by federal, state, and local agencies
3. Court decisions interpreting these laws and regulations
4. The Common Law (see Compliance manual)
5. United States and state constitutions
6. Treaties

The most widely applied federal laws and the laws upon which most state statutes and local ordinances are based are as follows:

1. Resource Conservation & Recovery Act (RCRA)
2. Oil Pollution Act of 1990
3. Safe Drinking Water Act (SDWA)
4. Comprehensive Environmental Response Compensation and Liability Act (CERCLA and SARA Title III)
5. Toxic Substance Control Act (TSCA)
6. Emergency Planning and Community Right-to-Know Act (EPCRA)
7. Clean Air Act (CAA)
8. Clean Water Act - Safe Drinking Water Act (CWA)
9. Pollution Prevention Act (P2)
10. Occupational Safety & Health Act (OSHA)

When state or local laws are passed, they may be more stringent, but must at a minimum contain all requirements of the corresponding federal law. Federal laws have preemptive authority but seldom invoke this privilege.

The United States Environmental Protection Agency (EPA), as a rule, usually delegates enforcement of environmental law to the states and their political subdivisions. This holds true except in the case of "waters of the United States." EPA, in partnership with state and local governments, is responsible for restoring and maintaining the chemical, physical, and biological integrity of the nation's waters. EPA is also charged with protecting wetland resources. The federal regulatory tool for wetland protection is section 404 of the Clean Water Act, which is jointly administered by the U.S. Corps of Engineers and EPA.

Waters of the United States include lakes, streams, rivers, wetland, and coastal waters. Wetlands are areas which are saturated or flooded for varying periods of time during the growing season and serve as habitat for many and varying forms of animal and plant life.

Duties and Responsibilities

Environmental Compliance Manager (ECM) - The duties of the ECM include- the following:

1. Establish and maintain environmental compliance programs for the city.
2. Serve as chair of the Environmental Compliance Committee; schedule and facilitate meetings of this committee at prescribed intervals.
3. Perform assessments and audits of city facilities to enhance the compliance effort.
4. Assist departments and subsections with the following:
 - a. identify waste streams
 - b. develop and implement corrective procedures
 - c. disposal of hazardous chemicals; substances, and materials.

5. Serve as liaison between the city and regulatory agencies.
6. Prepare written reports for the city manager and assistant city manager.
7. Attend and participate in training, workshops, and seminars that address environmental issues.

Department Directors - The duties of the department directors include general oversight of the program within his/her department. Each director shall, through subordinate managers and supervisors, manage the program in a manner that encourages participation by all employees.

Directors' duties are as follows:

1. Identify at least one employee within the department to coordinate environmental issues and serve on the Environmental Compliance Committee.
2. Comply with regulatory agency laws and statutes. Seek input from the ECM when and if needed.
3. Cooperate with the ECM during audits and assessments.

Environmental Compliance Committee - This committee shall be composed of employees representing the various city departments. Representation shall be required of the following departments:

Public Works - North and South facilities
Parks and Forestry - All divisions
Police Department
Community Services - Building Maintenance division
Planning and Research

There is no requirement for representation from the remaining departments. However, it is desirable that a responsible person from these departments serve on the Committee.

The two permanent members of this committee shall be the Environmental Compliance Manager and the Senior Assistant City Attorney as assigned by the City Attorney.

Fire Department - The Fire Department shall be represented on the committee by a member of the Emergency Response Team. This person shall attend all regular and called meetings of the committee and shall participate in all audits and assessments scheduled per this policy. The goal is to complete a minimum of one audit per quarter per department/division.

The Fire Department representative will also provide technical assistance as needed, particularly in identifying hazardous chemical and substances and the storage, transportation and handling of these materials.

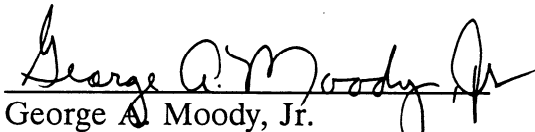
Assessments - Waste stream assessments will be completed annually. Outside expertise may be required.

Audits - A minimum of one audit per department/division will be completed semiannually. The audit team will consist of the following: the Environmental Compliance Manager, the Safety Administrator, the Fire Department representative, and other qualified employees as deemed necessary.

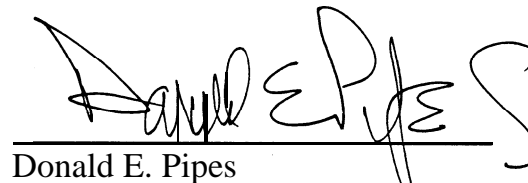
Responsibility for Enforcement

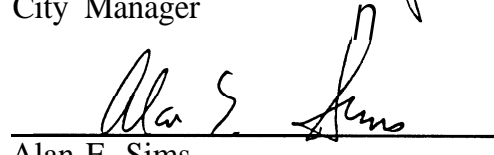
Overall responsibility for this policy shall be that of the city manager or his designee. Each department director shall be responsible for the enforcement of this city operating procedure.

PREPARED BY:


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APPROVED BY:


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Distribution: All policy book holders

NOTE: It is the Department Director's responsibility to distribute a copy of the policy/procedure to affected part-time and/or seasonal employees.

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